

REMARKS

Applicants appreciate the courtesy extended by Examiner Patel and Supervisory Primary Examiner Henry Bennett to applicants undersigned representative during a personal interview conducted on July 24, 2004.

As recorded in Examiner interview summary record, it was noted that the Affidavit submitted under 37 CFR §1.132 of Sunita Sule was not previously considered by the Examiner in acting on the above-identified application in the official action of May 3, 2004.

During the aforementioned interview, such Affidavit was considered and, as reflected in the Interview Summary record the application will be considered allowable upon further search conducted the Examiner.

As set forth in the Rule 132 showing of Sule, paragraph 2 thereof referenced to a standardized test as found in "BP Addendum 1996" using "Apparatus A" was conducted. This is the same test result set forth in the original specification as referenced at page 4, third full paragraph. As requested by the Examiner during the aforementioned interview, applicants attach a copy of a document describing and illustrating "Apparatus A" for Preparations for Inhalations; Aerodynamic Assessment on Fine Particles.

Referring to Figure 60, the spacer (coupled to the inhaler) is inserted in mouth piece A. The "procedure for pressurized inhaler" is then followed. The apparatus basically mimics inhalation, and the amount of active "inhaled" by the apparatus can be measured. This is then compared to the stated dose per actuator of the inhaler. Following the foregoing procedure, a figure for the respirable fraction (as in the Affidavit of Sule) can be obtained.

Applicants address hereinafter the specific objection and rejections.

The objection of claim 2 is moot in view of its cancellation.

Reconsideration or withdrawal of rejected claims 10 and 11 under 37 USC §102(b) as being anticipated by O'Callaghan WO 93/11817 is respectfully requested.

By the foregoing Amendment claim 10 has been made dependent on claim 1 and as claim 1 has not previously been rejected as anticipated over O'Callaghan, this rejection is deemed avoided. Withdraw of rejection is therefore respectfully requested.

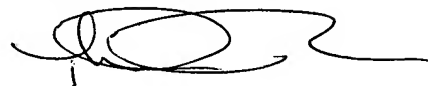
Reconsideration and withdrawal of previous rejection of claims 1-5, 6, 8, 9, 12 and 13 under 35 USC §103(a) as being unpatenable over O'Callaghan WO 93/11817 is respectfully requested.

The only teaching of O'Callaghan is that "internal surface (9) would be most conveniently metalized or coated with a more permanent anti-static coating, such as a coating or film of plastic material having anti-static properties, for example non-toxic conductive polyethylene or polypropylene" see page 4, last full paragraph.

However, as previously mentioned, during the aforementioned interview, the showing under 37 CFR §1.132 of Sule was considered in showing evidence of rebuttal of the alleged *prima facie* case by showing that the claimed polyamide produces unexpectedly superior results to the teachings of O'Callaghan. For the foregoing reason, withdrawal of the rejection is respectfully requested.

Applicants also request reconsideration of the previous rejection of claim 7 under 35 USC §103(a) as being unpatentable of O'Callaghan (mentioned above) in view of Kriesel, US Patent No 6,030,363. As Kriesel does not correct the foregoing deficiency of O'Callaghan, the combination still does not make a *prima facie* case of obviousness for claim 7 which includes the limitations of the claims from which it depends. Accordingly, withdrawal of all rejections and passing of application to issue are respectfully requested.

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689

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TPP/pgw
Attorney Docket No. TPP 31402A

STEVENS, DAVIS, MILLER & MOSHER, LLP
1615 L Street, NW, Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 785-0200

ATTACHMENT I - C1. Preparations for Inhalation: Aerodynamic Assessment of Fine Particles